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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 JOHNATHAN RATCLIFF,

13 Defendant.

Case No: 2:18-mj-267-NJK

Stipulation to Continue the
Preliminary Hearing
(Fourth Request)

14 IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE
15 ELIESON, United States Attorney, and ELHAM ROOHANI, Assistant United States
16 Attorney, counsel for the United States of America, and NISHA BROOKS-
17 WHITTINGTON, counsel for Defendant JOHNATHAN RATCLIFF, that the
18 preliminary hearing date in the above-captioned matter, currently scheduled for August
19 21, 2018, at 4:00 pm, be vacated and continued for forty-five (45) days, to a date and time
20 to be set by this Honorable Court.

21 This stipulation is entered into for the following reasons:

- 22 1. The parties have submitted a signed plea agreement to the Clerk of the Court for
23 assignment to a district judge. The additional time is required to allow scheduling

1 of a change of plea hearing. In the event the district court does not accept the
2 Defendant's plea, Government Counsel requires additional time to present the
3 case to the federal grand jury.

4 2. The parties agree to the continuance.

5 3. Defendant RATCLIFF is incarcerated but does not object to the continuance.

6 4. Additionally, denial of this request for continuance could result in a miscarriage
7 of justice.

8 5. The additional time requested herein is not sought for purposes of delay, but to
9 allow for assignment of the case to a district court judge.

10 6. The additional time requested by this stipulation, is allowed, with the defendant's
11 consent under the Federal Rules of Procedure 5.1(d).

12 7. This is the fourth request for a continuation of the preliminary hearing.

13 DATED this 17th day of August, 2018.

14 Respectfully submitted,
15 DAYLE ELIESON
United States Attorney

16 //s//
17 NISHA BROOKS-WHITTINGTON, ESQ.
Counsel for Defendant

18 //s//
19 ELHAM ROOHANI
20 Assistant United States Attorney
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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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5 UNITED STATES OF AMERICA,

Case No: 2:18-mj-267-NJK

6 Plaintiff,

ORDER

7 vs.

8 JOHNATHAN RATCLIFF,

9 Defendant.

10
11 ORDER

12 Based on the pending Stipulation of counsel, and good cause appearing therefore,
13 the Court finds that:

- 14 1. The parties have submitted a signed plea agreement to the Clerk of the Court for
15 assignment to a district judge. The additional time is required to allow scheduling
16 of a change of plea hearing. In the event the district court does not accept the
17 Defendant's plea, Government Counsel requires additional time to present the
18 case to the federal grand jury.
- 19 2. The parties agree to the continuance.
- 20 3. Defendant RATCLIFF is incarcerated but does not object to the continuance.
- 21 4. Additionally, denial of this request for continuance could result in a miscarriage
22 of justice.
- 23 5. The additional time requested herein is not sought for purposes of delay, but to
24

1 allow for assignment of the case to a district court judge.

2 6. The additional time requested by this stipulation, is allowed, with the defendant's
3 consent under the Federal Rules of Procedure 5.1(d).

4 7. This is the fourth request for a continuation of the preliminary hearing.

5 For all of the above-stated reasons, the ends of justice would best be served by a
6 continuance of the preliminary hearing date.

7 CONCLUSIONS OF LAW

8 The ends of justice served by granting said continuance outweigh the best interest
9 of the public and the defendants, since the failure to grant said continuance would be
10 likely to result in a miscarriage of justice, would deny the parties herein to potentially
11 resolve the case prior to indictment, and further would deny the parties sufficient time
12 and the opportunity within which to be able to effectively and thoroughly prepare for the
13 preliminary hearing, taking into account the exercise of due diligence.

14 The continuance sought herein is allowed, with the defendants' consent, pursuant
15 to Federal Rules of Procedure 5.1(d).

16 ORDER

17 IT IS THEREFORE ORDERED that the preliminary hearing currently
18 scheduled for August 21, 2018, at the hour of 4:00 pm, be vacated and continued to
19 October 9, 2018, at 4:00 p.m., in Courtroom 3B.

20 DATED August 20, 2018

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22 
23 THE HONORABLE NANCY J. KOPPE
24 UNITED STATES MAGISTRATE JUDGE